UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,873	10/31/2003	Jurgen Lumera	87400.1542	8996

7590   12/23/2005

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EXAMINER
FABER, DAVID

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/697,873	LUMERA ET AL.
	Examiner	Art Unit	
	David Faber	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>29 July 2004</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the application filed 31 October 2003.

This action is made Non-Final.

2.   Claims 1-18 are pending. Claims 1, 14, and 17 independent claims.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 29 July 2004. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Drawings

4.   The drawings filed on 31 October 2003 are accepted.

Claim Objections

5.   Applicant is advised that should claims 3, 5, and 7 be found allowable, claims 8,

9, and 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate

thereof. When two claims in an application are duplicates or else are so close in

content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of

the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be claiming "software systems", which is computer program per se. Since the computer program is not embodied on a tangible computer readable medium, they appear non-statutory.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999)

As per independent Claim 1, Bowman-Amuah discloses a system comprising:

- a workflow component (FIG 12)

- a data repository component (FIG 14)

- a media manager component (FIG 11, 13: Discloses a window system that is able to present a web browser, graphics, and forms of multimedia.)

- an application server component wherein said application server component
  is connected to said data repository component, said media manager
  component and said workflow component. (FIG 12 discloses application
  services. Since FIG 12 is the server component of FIG 10, which discloses a
  client-server system, the application services in FIG 12 is an application
  server component. The workflow and data repository components are
  connected to the server, thus connected to the application services internally.
  In addition, Bowman-Amuah discloses an infrastructure for building
  components so they can communicate within an application and across
  applications on the same machine or multiple machines to work together.
  (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the
  Component Framework of the System's Environment (FIG 10; FIG 27;
  Column 106, line 54 – 67) is based on CORBA, which is an interface for
  connecting all components to communicate within a system. (Column 106,
  lines 54-67) In conjunction with window system, CORBA allows the window
  system to communicate with the application server component.)

As per dependent Claim 2, Bowman-Amuah discloses a system comprising:

- a data repository adapter, and (FIG 14 discloses Database Services that
  include Database Access Services which enable applications to retrieve data
  from a database as well as manipulate data in a database (Column 52, lines
  45-48). This disclosure is a form of an adapter within the Database Services)

- a data repository interface, wherein said repository interface is connected to said data repository adapter and said application server component. (Column 52, lines 58-63: Discloses to achieve database access requires a Standards Based SQL API. Using this API with the Database Access Services, the user is able to access the Database Storage)

As per dependent Claims 3 and 8, Claims 3 and 8 recite similar limitations claimed in Claim 2 and are rejected under rationale. Furthermore, Bowman-Amuah discloses:

- one or more data repositories; (FIG 14, 1414)
- a data repository adapter, wherein said data repository adapter is connected to said one or more data repositories; and (FIG 14; Column 52, lines 45-48: since Access Services is able to access the repository, its connected to the repository)

As per dependent Claim 4, Bowman-Amuah discloses a system further comprising:

- a program adapter, and a media manager interface, wherein said media manager interface is connected to said program adapter and said application server component. (FIG 10; Column 35, lines 21-38 – Discloses that Presentation Services enable an application to manage the human-computer interface listing products to enable the component such as Windows OS that

contains an interface. The Presentation Services include an Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) The Web browser allows users to view and interact with applications and documents that contain data such as text, graphics and audio. (Column 39, 53-60) Since, the web browser is connected to the Window System (e.g. Windows OS) and able to display a form of media, it is considered a form a media manager interface. Since an OS is a program consisting of multiple programs, it in inherent that Presentation Services, and Web Browser Services disclose a form of program adapters since the services disclose a link to the Window System enabling the programs' functionality, thus connected to the programs. In addition, Bowman-Amuah discloses a Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67), which is based on CORBA, which is an interface for connecting all components to communicate within a system. In conjunction with Window System, CORBA allows the Window System to communicate with the application server component.)

As per dependent Claims 5 and 9, Claims 5 and 9 recite similar limitations claimed in Claim 4 and are rejected under rationale. Furthermore, Bowman-Amuah discloses a system comprising:

- one or more programs; (Column 109, 32-42: Lists a number of operating systems the system may use.)

As per dependent Claim 6, Bowman-Amuah discloses a system comprising:

- a workflow engine adapter; and a workflow interface, wherein said workflow interface is connected to said workflow engine adapter and said application server component. (Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is the interface for connecting all components to communicate within a system. Thus, since the workflow component is connected to the Base Services component and the System's Environment on the server (FIG 10), its inherent that since Bowman-Amuah's system is using the CORBA interface , an adapter is presented for the Workflow Services within the Base Services allowing the workflow engines to able to communicate with the application server component.)

As per dependent Claims 7 and 10, Claims 7 and 10 recite similar limitations claimed in Claim 6 and are rejected under rationale. Furthermore, Bowman-Amuah discloses a system comprising:

- one or more workflow engines (FIG 12; Column 120, line 12 – Column 122, 19)

As per dependent Claim 11, Bowman-Amuah discloses a system comprising:

- a publishing component, wherein said publishing component is connected to said application server component. (FIG 19; Column 71, lines 49-54. This publishing component is apart of Messaging component of the communications component on the server. With the use of the CORBA framework that allows communications with all components within a system, (FIG 10; FIG 27; Column 106, line 54 – 67) the publishing component is connected to the application server.

As per dependent Claim 12, Claim 12 recites similar limitations claimed in Claim 11 and are rejected under rationale. Bowman-Amuah discloses a system comprising:

- a publishing adapter; and a publishing interface wherein said publishing interface is connected to said publishing adapter and said application server component. (Column 71, lines 5-19: The publishing component of Bowman-Amuah, Publish and Subscribe, is apart of a Message-Orient Middleware (MOM) that is responsible for managing the interface to the underlying communications architecture via communications APIs. Thus, the MOM is considered an adapter for the publishing component. In addition, the MOM is consider is an interface since it has the following capabilities: transferring data to the proper data, passing results information and status to the application, etc.)

As per dependent Claim 13, Claim 13 recites similar limitations claimed in Claim

12 and are rejected under rationale. Bowman-Amuah discloses a system comprising:

- one or more publishing applications (Column 72, lines 6-9)

As per independent Claim 14, Bowman-Amuah discloses a system comprising:

- a data repository component (FIG 14) having a data repository adapter (FIG

  14 discloses Database Services that include Database Access Services

  which enable applications to retrieve data from a database as well as

  manipulate data in a database (Column 52, lines 45-48). This disclosure is a

  form of an adapter within the Database Services) connected to a data

  repository interface; (Column 52, lines 58-63: Discloses to achieve database

  access requires a Standards Based SQL API. Using this API with the

  Database Access Services, the user is able to access the Database Storage)

- a media manager component (FIG 11, 13: Discloses a window system that is

  able to present a web browser, graphics, and forms of multimedia.) having a

  program adapter connected to an media manager interface; (FIG 10; Column

  35, lines 21-38 – Discloses that Presentation Services enable an application

  to manage the human-computer interface listing products to enable the

  component such as Windows OS that contains an interface. The

  Presentation Services include a Window System (e.g. Window OS) that is

  connected to a Desktop Manager, a Web browser, etc. (FIG 13) The Web

browser allows users to view and interact with applications and documents
that contain data such as text, graphics and audio. (Column 39, 53-60) Since,
the web browser is connected to the Window System (e.g. Windows OS) and
able to display a form of media, it is considered a form a media manager
interface. Since an OS is a program consisting of multiple programs, it in
inherent that Presentation Services, and Web Browser Services disclose a
form of program adapters since the services disclose a link to the Window
System enabling the programs' functionality, thus connected to the programs.
In addition, Bowman-Amuah discloses a Component Framework of the
System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) which is
based on CORBA, which is an interface for connecting all components to
communicate within a system. In conjunction with Window System, CORBA
allows the Window System to communicate with the application server
component.)

- a workflow component (FIG 12) having a workflow engine adapter connected
  to a workflow interface; and (Bowman-Amuah discloses Component
  Framework of the System's Environment (FIG 10; FIG 27; Column 106, line
  54 – 67) is based on CORBA is the interface for connecting all components to
  communicate within a system. Thus, since the workflow component is
  connected to the Base Services component and the System's Environment
  on the server (FIG 10), its inherent that since Bowman-Amuah's system is

using the CORBA interface, an adapter is presented for the Workflow

Services within the Base Services to be able to communicate with the

components.)

- an application server component wherein said application server component

  is connected to said data repository component, said media manager

  component and said workflow component. (FIG 12 discloses application

  services. Since FIG 12 is the server component of FIG 10, which discloses a

  client-server system, the application services in FIG 12 is an application

  server component. The workflow and data repository components are

  connected to the server, thus connected to the application services internally.

  In addition, Bowman-Amuah discloses an infrastructure for building

  components so they can communicate within an application and across

  applications on the same machine or multiple machines to work together.

  (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the

  Component Framework of the System's Environment (FIG 10; FIG 27;

  Column 106, line 54 – 67) is based on CORBA, which is an interface for

  connecting all components to communicate within a system. (Column 106,

  lines 54-67) In conjunction with window system, CORBA allows the window

  system to communicate with the application server component.)

As per dependent Claim 15, Claim 15 recites a system for performing the system

of Claim 11. Therefore, Claim 15 is similarly rejected under Bowman-Amuah.

As per dependent Claim 16, Claim 16 recites a system for performing the system

of Claim 12. Therefore, Claim 16 is similarly rejected under Bowman-Amuah.

As per independent Claim 17, Claim 17 recites a system performing similar

limitations of the combinations of Claims 3, 5, and 7. Therefore, Claim 17 is similarly

rejected under Bowman-Amuah.

As per dependent Claim 18, Claim 18 recites a system for performing the system

of Claim 13. Therefore, Claim 18 is similarly rejected under Bowman-Amuah.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Gill et al (US Patent #6,005,560): Discloses a multimedia project

  management and control system consisting a data controller component.

- Sargent (US Patent #6,874,010): Discloses base service architectures for

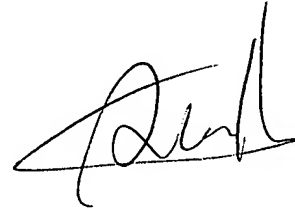 Netcentric computing systems.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Faber whose telephone number is 571-272-2751.

The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

David Faber
Patent Examiner
Art Unit 2178

STEPHEN HONG
SUPERVISORY PATENT EXAMINER